



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

Lisa Bonnett, Interim Director

April 14, 2011

CERTIFIED MAIL #7002 3150 0000 1108 5012
RETURN RECEIPT REQUESTED

Tel: 217/782-9289

TDD: 217/782-9143

Email: Michael.Dura@illinois.gov



Robinson Bradshaw and Hinson.
Attn: Messrs. William V. Toole and Daniel Vorhaus
101 North Tryon Street
Suite 1900
Charlotte, North Carolina 28246

RE: DENIAL OF CLAIM OF EXEMPTION FROM PUBLIC DISCLOSURE
1198010003--Madison
Hartford--Estate of Chemetco
Compliance

Dear Messrs. William V. Toole and Daniel Vorhaus,

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed your claim that the public record in the Illinois EPA's files identified as: **Response to CERCLA 104(e) Information Request (CommScope, Inc.)**, dated May 23, 2008, contains "*exempt/confidential business information*" (in-whole or in-part) and therefore is exempt from disclosure pursuant to the Freedom of Information Act ("FOIA"), 5.ILCs 140/1 et seq. and 2 Ill.Adm.Code 1828.

Denial of Claim

Michael Dura of the Illinois EPA, Bureau of Land FOIA Sector, has determined that you failed to respond within ten (10) business days of date of the notification letter, dated October 20, 2010, that identified the deficiency or deficiencies in your claim of exemption.

Therefore, the claim is denied.

Reason for Denial of Claim

The Illinois EPA, Bureau of Land FOIA Sector, has denied your claims for exemption from public disclosure for the following reason:

Pursuant to 1828.402(b), failure to respond within ten (10) business days of the notification letter, dated October 20, 2010, detailing the deficiency or deficiencies in your claims of exemption from public disclosure for the document identified as: **Response to CERCLA 104(e) Information Request (CommScope, Inc.)**, dated May 23, 2008.

Review of Illinois EPA Determinations

This determination may be reviewed pursuant to the procedures described in 2 Ill. Adm. Code 1828.405. Specifically, those procedures state that if you choose to appeal this decision in-whole or in-part, you must send a Notice of Appeal to the Director of the Illinois EPA within thirty-five (35) days of the date of this letter. The Notice of Appeal must:

- 1) be in writing;
- 2) be clearly marked APPEAL OF CLAIM OF EXEMPTION FROM DISCLOSURE; and
- 3) include a copy of this denial letter and a statement of the reasons why the claim should be granted on appeal.

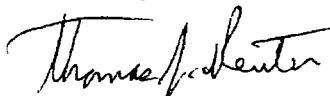
Within seven (7) working days after receipt of the Notice of Appeal, the Director shall notify you by certified mail, return-receipt requested, either that the Illinois EPA's denial has been confirmed or that your claim of exemption from disclosure is granted, in-whole or in-part.

If the Director confirms the Illinois EPA's denial, you may petition the Circuit Court for review within thirty-five (35) days of the date of the Director's determination.

Release of Document Deemed Not Exempt From Public Disclosure

The Illinois EPA will cease protecting the public record identified as: **Response to CERCLA 104(e) Information Request (Commscope, Inc.)**, dated May 23, 2008, as "exempt from public disclosure" unless the Illinois EPA is served with a notice of filing of a petition for review within thirty-five (35) days from the date of this letter. If no appeal is made, the aforementioned record will no longer be exempt from disclosure.

Sincerely,



Thomas J. Reuter
FOIA Officer (acting)
Illinois Environmental Protection Agency

TJR/med

cc: Bureau of Land File

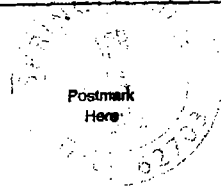
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To Robinson Bradshaw & Hinton
Attn: Messrs. William V. Toole & Daniel Vorhaus
 101 North Tryon St. Ste 1900
 Charlotte, NC 28246

PS Form 3800, June 2002

See Reverse for Instructions

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

Robinson Bradshaw & Hinton
Attn: Messrs. William V. Toole & Daniel Vorhaus
 101 North Tryon St. Ste 1900
 Charlotte, NC 28246

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2. Article Number
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